

**Conservation Commission
Minutes of August 11, 2016
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Dale R. McKay, John R. Rogers, Robert C. Anderson, Ralph B. Shaw, Jr. and Chad Smith (newly appointed but not yet sworn in).

Also Present: Andrew McManus, Conservation Agent and Judy Daigneault, Recording Secretary.

Call Meeting to Order: 5:55 p.m.

The meeting was called to order with a quorum by Acting Chairman Dale R. McKay at 5:55 p.m.

There was no public comment

PRE/POST-HEARING AGENDA:

Minutes: Approve July 28, 2016 Minutes

Motion: Mr. Shaw moved to approve the July 28, 2016 minutes as presented, seconded by Mr. Rogers. Vote unanimous, 4-0

Thomas J. O'Neill: Request to join the Commission as a full time member.

The Agent reviewed a letter of interest from Mr. O'Neill to become a full time member of the Conservation Commission. Mr. O'Neill will come into a future meeting to introduce himself.

Bickerstaffe Conservation Area (Santuit Pond): - Issues with vandalism, vehicle access. Candidate for gate.

The Agent notified the members that there have been issues at the Bickerstaffe Conservation Area at Santuit Pond with partying and vandalism and trash at the site. The Agent stated this may be a candidate for a gate to keep out vehicle access. He will be getting quotes and will get back to the Commission with a recommendation

HEARINGS:

6:00 Anthony J. Donato (Applicant), 6 Cricket Way. Proposed septic system upgrade. Albino Marusich: Owner of record. At request of applicant, continued from 7/28 due to scheduling conflict. RDA

Tabled until later in meeting (no one present at this time).

6:03 43 Waterline LLC, 43 Waterline South Drive. Proposed Amendment to Order of Conditions 43-2863 with revisions to patio, pool and house footprint. At request of applicant, continued from 6/23, 7/14, 7/28 to allow for revised plans. AOOC

The Agent stated the applicant has requested a withdrawal of the application.

Motion: Mr. Shaw moved, at the applicants', request the withdrawal of Amendment to the Order of Conditions 43-2863, seconded by Mr. Rogers. Vote unanimous, 4-0

Update on Diana Lund Memorial: Johns Pond Parking Lot

The Agent gave an update on the Diana Lund Memorial to be located at Johns Pond Parking Lot. He explained Diana was a secretary to the Conservation Commission. Former Conservation Agent Bob Sherman had contacted him and Michael Talbot regarding collecting donations for a memorial. He has been working with Michael to choose a site at John's Pond. The site that was chosen is a grassy island at the John's Pond parking lot. Since this piece of property is not conversation land, the Agent stated he presented this to the Board of Selectmen for their approval. Michael Talbot has donated his services for plantings around a boulder with the wording to be determined. Once the memorial is in place, Diana's family and friends will be invited to its dedication.

6:06 Paul A. and Cynthia A. Jalbert, 43 Monahansett Road. Proposed removal of deck and walkway to allow for additions of garage deck and second story. Continued from 7/28 – Board requests plan showing delineation of wetlands. RDA

Resource Area: Buffer Zone to Freshwater Wetlands

Cynthia Jalbert, homeowner, was present to describe the project. She noted she was present at the last meeting and explained the project is to remove a deck and walkway to allow for additions of a garage, deck and second story. The hearing was continued due to the fact the delineation of the wetlands was not noted on the plan.

The Agent showed the location of the property and noted the wetlands are now delineated on the plan. All that is being proposed is outside of the 50 foot buffer with the exception of the corner of the deck. The Agent showed photos of the area. He said the project as proposed meets the performance standards and recommended a negative determination.

No comments from the public.

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Rogers. Vote unanimous, 4-0.

6:09 Paul S. and Margaret K. Hovsepian, 13 Compass Circle. Proposed demolition and reconstruction of dwelling and garage. Continued from 7/28 – Board requests trees to be tagged and details on driveway and garage area. NOI

Resource Area: LSCSF, Buffer Zone to BVW, Salt Marsh, Land Under Ocean.

Thomas Bunker, BSS Design, represented the applicants. He described the project includes the demolition of the existing house and garage and replacement with a new house, approximately the same size, with a breezeway and garage. Following his presentation at the 7-28 meeting, the board requested a detailed flagging in the field as to what trees are to remain with the Agent's recommendation to reduce the footprint of the driveway to save some of the trees and clearly mark the trees to be removed in the field.

Mr. Bunker noted the driveway has been reconfigured to save some of the trees and the trees have been marked in the field and on the revised plan.

The Agent stated at the last meeting it wasn't clear to him what trees were remaining and what trees are to be removed and it is now much clearer on the plan. He requested wood planking be put around the trees that are close to the construction site to prevent scouring.

No comments from the public.

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 4-0

6:12 New Seabury Properties, LLC, 0-Off Seacrest Drive. After-the-fact filing to allow for mitigation planting as a consequence of unpermitted vegetation clearing. NOI

Resource Area: LSCSF, Buffer Zone to BVW, Salt Marsh, Land Under Ocean

Matthew Creighton, BSC Group, represented the applicants. He referred to the proposed project at the Club at New Seabury which involves the permitting of mitigation plantings as a result of a violation. He stated he has gone out and surveyed the area as requested by the board at the previous hearing. They were asked to put together a mitigation plan based on similar species that were cleared. He identified about 50 different shrubs and 3 trees that were cut down and will be planting 15 red cedar, 10 black oak, 10 chock cherry, 15 white oak, 15 Sassafras and 10 beach plum. They are planting 75 different species in this area. It is basically the reforestation of the maritime habitat that was out there. At the last hearing, the board allowed them to spot treat some of the invasives and they are also treating the poison ivy. The area has been left alone and is starting to regrow vegetation and the bank is stable. Also included in the report is three years of monitoring with 90% success rate to be done by a certified qualified outside consulting firm. The plantings will be planted in between what is there. They will try and do the plantings by hand, but if they bring anything in there it will be very small machinery. They will provide temporary irrigation if needed. The Agent suggested putting out some signage for the golfers so they don't tread on the new plantings.

The Agent recommended to Close and Issue.

No comment from the public.

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 4-0

6:00 Hearing (previously tabled)

Motion: Mr. Shaw moved to continue the hearing until August 25, 2015 at 6:15 p.m. at the applicant's request, seconded by Mr. Rogers. Vote 4-0

6:15 Walter S M Wightman, Trustee, 419 Monomoscoy Road. Request to Amend Order of Conditions 43-2351 to allow for reconfiguration of proposed new dwelling AOC

Motion: Mr. Shaw moved to continue the hearing until August 25, 2016 at 6:18 p.m. at the request of the applicant, seconded by Mr. Rogers. Vote unanimous, 4-0.

PRE/POST-HEARING AGENDA:

Administrative Review: Install new water service to 184 Rock Landing Road.

Tom Bunker, BSS Design, was present representing the applicant. He explained in May 2015, BSS Design filed an RDA and received a negative determination for a septic system upgrade for 184 Rock Landing Road. He said the Contractor would like permission to install a new water service on the property which would be installed through the wooded area outside of the 50' wide naturally vegetated buffer strip. They will be staying away from the trees.

The Agent met with the contractor at the location and noted a pipe broke going to their house. He said an option was to go through the wooded vegetated area which runs parallel to the leach field. The water service would take a winding path to avoid the trees and the owner said he would cover up the disturbed area until it revegetates. He noted this is an urgent repair and that is why it has been brought to the Commission as an Administrative Request. The Agent requested a pre-work onsite to finalize the pathway and the homeowner would not have any problem with replanting if necessary.

No comment from the public.

Motion: Mr. Shaw moved to approve the Administrative Request, seconded by Mr. Rogers. Vote unanimous, 4-0

Matthew Costa arrived at the meeting and requested that the Commissioners reopen the 6:00 hearing and the 6:15 hearing due to the fact that he was unavoidably detained.

6:00 Anthony J. Donato (Applicant), 6 Cricket Way. Proposed septic system upgrade. Albino Marusich: Owner of record. At request of applicant, continued from 7/28 due to scheduling conflict. RDA

Resource Area: LSCSF

Matthew Costa, Cape and Islands Engineering, represented the applicant. He explained the proposed project is to upgrade the septic system. The existing cesspool will be pumped and disconnected and filled or removed. A new Title V sewage disposal system will be installed. He noted the current system has failed.

The Agent noted the application has been submitted to the Board of Health and is under review and recommended a negative determination.

No Comments from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Rogers. Vote unanimous, 4-0

6:15 Walter S M Wightman, Trustee, 419 Monomoscoy Road. Request to Amend Order of Conditions 43-2351 to allow for reconfiguration of proposed new dwelling AOOC

Resource Area: LSCSF, Buffer Zone to BVW, Salt Marsh, Land Under Ocean, Land Containing Shellfish

Matthew Costa, Cape and Islands Engineering, represented the applicant. He stated the original Order of Conditions was issued on May 20, 2005 and received an extension until June 22, 2018. The original approval was for the construction of a single family house, the title 5 sewage disposal system, utilities, stone/shell driveway and to convert the existing house to a garage/storage facility. Mr. Costa explained they are requesting to Amend the existing Order of Conditions to change the configuration of the previously approved single-family dwelling by razing the existing dwelling and rebuilding a new single family dwelling, Title 5 system, sun porch, deck, with stairs and with the associated utilities, grading and landscaping. All work is to be within the previously legally disturbed areas. The site plan is very similar to the original plan. He noted the project on photos provided and noted the project is outside of the 50' buffer.

The Agent stated this project was approved in 2005, 43-2351, which requested the razing of the existing home and the rebuilding of the home. Mr. Costa noted the difference is in the details of the plan. He noted the previously approved plan vs. the newly proposed plan. He said the changes still meet the applicable performance standards. It is a matter of having a clean plan that references the new house footprint that can be reconciled when a Certificate of Compliance is requested later. The ZBA variance had expired; hence the need to file again.

The Agent said the setbacks haven't changed all that much. He said the biggest change is the labeling of the wetland delineation as BVW instead of salt marsh which has been outlined on the plan. Mr. Costa said he labeled the trees on the plan that are to be removed. The Agent asked that the trees to be removed be protected with wood planking during the construction phase to ensure they are not damaged. He said the performance standards remains unchanged. He noted the dock and pier don't have any labeling as far as DEP # and street address and he would like to see that as soon as possible. He also pointed out any lawn that is disturbed has to adhere to the lawn standards.

No comments from the public.

Motion: Mr. Shaw moved to approve the Amendment to the Order of Conditions with the planking of the trees as a condition, seconded by Mr. Rogers. Vote unanimous 4-0

PRE/POST-HEARING AGENDA:

Discussion: Seaside Drive Coastal Bank Stabilization Projects - Adjudicatory Hearing review

The Agent gave a review of the Adjudicatory Hearing which was held on Seaside Drive Coastal Bank Stabilization Projects at the DEP Headquarters in Lakeville.

Motion: Mr. Shaw moved to adjourn, seconded by Mr. Rogers. Vote was unanimous, 4-0. Meeting adjourned 7:25 p.m.

Respectfully submitted

Judith Daigneault
Recording Secretary